

Appl. No. 10/533,749
Amdt. Dated September 2, 2008
Reply to Office Action of July 2, 2008

Further, in the continuation sheet of the advisory action the examiner indicated that "subsequent injections of the solution to fill 90% of the tube and 80% of the tube, respectively would result in the second residual volume being less than the first residual volume and the third residual volume being less than the second residual volume". Respectfully, the applicant contends that partial filling in such a manner (for example to fill "80% of the tube") would not be an acceptable medical method under conventional standards of medical care, since partial filling (e.g. 80%) of an IV extension tube would generally leave air in the extension tube which could then be injected into the patient's vascular system. There is no evidence that Ash suggests a method to provide partial filling of an extension tube (without breaching standard medical care of complete filling of an extension tube) which can still avoid the risk of air embolism when the contents of the tube are eventually flushed into the patient. The applicant therefore respectfully requests that the rejection of claim 32 be withdrawn.

It is respectfully submitted that this application is now, in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, she is respectfully petitioned to telephone the applicant at the below-listed number.

Respectfully submitted,

Lawrence A. Lynn

The Sleep and Breathing Research Institute
124 County line Rd.
Columbus, Ohio 43082
(614) 937-6626